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9
10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No.

2009-90

14 SUSAN JEAN ROMBERG,
a.k.a. SUSAN JEAN DE BIE
15 20691 Cottonwood Road
Yorba Linda, CA 92687

A C C U S A T I O N

16 Registered Nurse License No. 276072
17 Nurse Practitioner Certificate No. 798
Nurse Practitioner Furnishing Certificate No. 798

18 Respondent.

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20 Complainant alleges:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
23 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
24 ("Board"), Department of Consumer Affairs.

25 **Registered Nurse License No. 276072**

26 2. On or about March 31, 1977, the Board issued Registered Nurse License
27 Number 276072 to Susan Jean Romberg, also known as Susan Jean De Bie ("Respondent").

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Respondent's registered nurse license was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2009, unless renewed.

Nurse Practitioner Certificate No. 798

3. On or about April 26, 1985, the Board issued Nurse Practitioner Certificate Number 798 to Respondent. Respondent's nurse practitioner certificate was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2009, unless renewed.

Nurse Practitioner Furnishing Certificate No. 798

4. On or about July 19, 1993, the Board issued Nurse Practitioner Furnishing Certificate Number 798 to Respondent. Respondent's nurse practitioner furnishing certificate was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2009, unless renewed.

STATUTORY PROVISIONS

5. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

7. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions . . .

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1 8. California Code of Regulations, title 16, section ("Regulation") 1443
2 states:

3 As used in Section 2761 of the code, "incompetence" means the lack of
4 possession of or the failure to exercise that degree of learning, skill, care and
5 experience ordinarily possessed and exercised by a competent registered nurse as
6 described in Section 1443.5.

7 9. Regulation 1443.5 states, in pertinent part:

8 A registered nurse shall be considered to be competent when he/she
9 consistently demonstrates the ability to transfer scientific knowledge from social,
10 biological and physical sciences in applying the nursing process, as follows:

11 (1) Formulates a nursing diagnosis through observation of the client's
12 physical condition and behavior, and through interpretation of information
13 obtained from the client and others, including the health team.

14 (2) Formulates a care plan, in collaboration with the client, which ensures
15 that direct and indirect nursing care services provide for the client's safety,
16 comfort, hygiene, and protection, and for disease prevention and restorative
17 measures.

18 (3) Performs skills essential to the kind of nursing action to be taken,
19 explains the health treatment to the client and family and teaches the client and
20 family how to care for the client's health needs.

21

22 (5) Evaluates the effectiveness of the care plan through observation of the
23 client's physical condition and behavior, signs and symptoms of illness, and
24 reactions to treatment and through communication with the client and health team
25 members, and modifies the plan as needed.

26 (6) Acts as the client's advocate, as circumstances require, by initiating
27 action to improve health care or to change decisions or activities which are against
28 the interests or wishes of the client, and by giving the client the opportunity to
make informed decisions about health care before it is provided.

COST RECOVERY

10 10. Code section 125.3 provides, in pertinent part, that the Board may request
11 the administrative law judge to direct a licentiate found to have committed a violation or
12 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
13 and enforcement of the case.

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FIRST CAUSE FOR DISCIPLINE

(Incompetence)

11. At all times relevant herein, Respondent was employed as a nurse practitioner in the OB/GYN Department at Kaiser Permanente Riverside Clinic, Riverside, California (hereinafter "clinic").

12. On or about May 7, 2003, E. S., then 37 years old, was seen by Respondent in the clinic for a prenatal visit. E. S. had a positive pregnancy test on August 29, 2002, and an estimated due date of May 9, 2003. Respondent documented in E. S.'s medical records that E. S. had a headache on May 6, 2003, without any visual changes, and that there was normal fetal movement. Respondent recorded that E.S. had a 3 pound weight gain in one week, mild pedal and hand edema along with a blood pressure finding of 137/71, and 2+ proteinuria. Respondent performed a vaginal exam and found E. S. to be with a vertex presentation at minus 1 centimeter station and a cervix that was 2 centimeters dilated and 70% effaced. Respondent noted that she had a discussion with Dr. L. regarding the abnormal finding of 2+ proteinuria and the ordering of laboratory testing, including a urine analysis with culture and sensitivity, creatinine, BUN, SGPT, SGOT, and a CBC. Later that day, Respondent recorded the results of some of the tests and noted that she was unable to contact E. S.

13. On or about May 9, 2003, E. S. returned to the clinic for a follow-up appointment with Respondent. E. S. was at 40 weeks gestation. Respondent recorded that E. S. had a blood pressure of 125/78, 1+ proteinuria, and a weight loss of 2 pounds, and that E. S.'s urine was negative for the presence of ketones. Respondent also documented that E. S. had daily mild headaches and that there was normal fetal movement. A urine analysis with culture and sensitivities was ordered and a vaginal examination was performed. Respondent found E. S. to be with a vertex presentation at minus 2 station and a cervix that was 2 centimeters dilated and 70% effaced. Respondent also noted that E.S. had a platypelloid shape pelvis, indicating a broad pelvis, with an index below 90%.

14. On or about May 12, 2003, at 0030 hours, E. S. telephoned the Labor and Delivery Unit at Kaiser Permanente Hospital Riverside (hereinafter "hospital") and complained

1 of nausea, indigestion, diarrhea, and abdominal pains, which she described as gastric. E. S. was
2 also unsure of fetal movement. E. S. was advised by J. W., RN, to try antacid treatment, sip
3 fluids, count fetal movements, and to call back in one hour. At 0425 hours, E. S. called the
4 Labor and Delivery Unit again, complaining of severe abdominal pain, uncertainty of fetal
5 movement, possibly having a spontaneous rupture of membranes, and having a moderate amount
6 of bleeding. E. S. was instructed to come into the hospital "now" by J. D., RN.

7 15. At 0520 hours, E. S. arrived at the emergency room, stating that "the head
8 is out" and reporting bleeding. E. S. was taken immediately to the Labor and Delivery Unit at the
9 hospital where, upon pelvic exam, she was found with the cervix completely dilated and effaced
10 and the fetal head at +4 station. The infant was delivered and later, was administered oxygen by
11 mask. After ascertaining no respiratory effort and no heartbeat, the infant was given CPR and the
12 pediatric team was summoned. CPR was stopped after approximately 25 minutes of continuous
13 care and the infant was declared deceased at 0544 hours. Later, E. S. was treated for severe
14 preeclampsia¹ with Magnesium Sulfate infusions and was discharged from the hospital on May
15 14, 2003.

16 16. Respondent is subject to disciplinary action pursuant to Code section
17 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about May 7,
18 2003, and May 9, 2003, Respondent was guilty of incompetence in her care of patient E. S.
19 within the meaning of Regulation 1443, as follows:

20 a. Respondent failed to demonstrate competent knowledge of preeclampsia
21 in her management of E.S.'s presenting symptoms in that she failed to recognize that 1+
22 proteinuria in a 24 hour urine collection is part of the diagnostic criteria.

23 b. Respondent failed to note that E. S.'s blood pressures on May 7, 2003, and
24 May 9, 2003, that of 137/71 and 125/78, respectively, warranted close supervision in that the

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26 1. Preeclampsia is a pregnancy-specific syndrome that usually occurs after 20 weeks of gestation. According
27 to the American College of Obstetricians and Gynecologists, preeclampsia is a syndrome defined by hypertension
28 and proteinuria that also may be associated with other signs and symptoms, including edema, visual disturbances,
headache, and epigastric pain. High blood pressure is defined as blood pressure of 140 mm Hg systolic or higher
or 90 mm Hg diastolic or higher. Proteinuria is defined as the presence of 0.3g (1+) or more of protein in a 24-
hour urine specimen.

1 diastolic values met the "30/15" rule; both diastolic values were 15 mm Hg or greater above
2 E. S.'s first trimester blood pressure values (113/44 and 116/62).

3 c. Respondent failed to order a 24-hour urine test for accurate evaluation of
4 E. S.'s proteinuria.

5 d. Respondent consulted with her supervising physician, but failed to use the
6 critical thinking process to evaluate the physician's instructions. Further, Respondent failed to
7 formulate a plan of care based on her institution's standardized procedures and/or protocols.

8 e. On or about May 7, 2003, Respondent followed up on the results of the
9 blood tests completed that day, but failed to formulate a care plan and document teaching of the
10 patient in order to provide disease prevention measures.

11 f. On or about May 9, 2003, Respondent scheduled E. S. for follow-up in the
12 clinic in one week without ordering any further diagnostic or surveillance measures in the
13 interim. Further, Respondent failed to evaluate the effectiveness of the previous care executed
14 and E. S.'s signs and symptoms of illness.

15 g. Respondent failed to order any fetal surveillance, such as non-stress testing
16 or biophysical profile, or placental and amniotic fluid assessment, such as an obstetric
17 ultrasound.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct)**

20 17. Complainant incorporates by reference as though fully set forth herein the
21 allegations contained in paragraphs 11 through 16 above.

22 18. Respondent is subject to disciplinary action pursuant to Code section
23 2761, subdivision (a), in that on or about May 7, 2003, and May 9, 2003, Respondent
24 committed acts constituting unprofessional conduct in her care of patient E. S., as set forth in
25 paragraphs 11 through 16 above.

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 276072 issued
5 to Susan Jean Romberg, also known as Susan Jean De Bie;


6 2. Revoking or suspending Nurse Practitioner Certificate Number 798 issued
7 to Susan Jean Romberg, also known as Susan Jean De Bie;

8 3. Revoking or suspending Nurse Practitioner Furnishing Certificate Number
9 798 issued to Susan Jean Romberg, also known as Susan Jean De Bie;

10 4. Ordering Susan Jean Romberg, also known as Susan Jean De Bie, to pay
11 the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
12 case, pursuant to Business and Professions Code section 125.3; and

13 5. Taking such other and further action as deemed necessary and proper.

14 DATED: 10/15/08.

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16 
17 RUTH ANN TERRY, M.P.H., R.N.
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California

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Complainant